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TAGS: [NATO](#) [PARM](#) [PREL](#) [MARR](#) [KCFE](#) [RU](#)
SUBJECT: NRC/CFE: RUSSIA WANTS COMPLETE ELIMINATION OF
FLANK REGIME

Classified By: Charge Richard G. Olson for reasons 1.4 (b), (d)

(C) Summary: In the July 25 NATO-Russia Council (NRC) meeting, Russia outlined how it would like to modify the Adapted Conventional Forces in Europe (A/CFE) Treaty, including entirely eliminating the flank regime. Allied response was limited in the NRC meeting. However, Allies reacted sharply in the June 26 HLTF in which we saw increasing Allied solidarity, rallying to retain existing flank regimes (reported septel). In the NRC, Russia refused to recognize any link between the Istanbul Commitments and A/CFE ratification, but suggested Russia would be open to a separate dialogue to resolve Russian troops and munitions in Moldova and Georgia. The Russians presented a detailed legal justification for their suspension of the CFE Treaty in the NRC (NOTE: The CFE has no provision for suspension, only withdrawal. End note.) The Netherlands and Spain argued that they do not consider suspension to be withdrawal. The UK presented the Allied arguments from the July 16 NATO statement on the Russian suspension, while Spain seemed to be advocating the need to think about beginning negotiations a post-A/CFE Treaty. End Summary.

Suspension Is Not Withdrawal

12. (C) In the July 25 NRC meeting, the Netherlands as the depository of the CFE Treaty recapped the Russian suspension of the treaty and explained that Russian had notified the Netherlands of suspension of the Treaty, not withdrawal. He noted that the 150-day period of notification in view of the Netherlands did not equate to the 150-day period for withdrawal. Russia and Spain echoed that suspension is not withdrawal. Russian MFA Director for Security and Disarmament Anatoliy Antonov gave an elaborate explanation justifying why suspension is allowed under general principles of international law and the Vienna Convention on the Law of Treaties, arguing that if the Treaty provides for a large action (i.e., withdrawal) it implies that a lesser action (i.e., suspension) is also allowable.

At The End of The Russian Tether

13. (C) In a long Russian intervention, Antonov recapped the reasons why Russia was going to suspend the CFE. Quoting President Putin, Antonov explained Russia just cannot live with the current Treaty any longer, and that Russia is at the end of its tether. Antonov stressed that Russia was not

terminating dialogue and specifically welcomed the German proposal for an informal CFE seminar in the fall. He lamented that there had been no serious discussion of Russia's substantive concerns at the CFE Extraordinary Conference, only polite speeches. He said that Russia was open to dialogue toward resolving the issue of Russian bases and munitions in Moldova and Georgia as well as CFE. Apart from these positive noises on the Istanbul Commitments, he decried the linkage NATO makes between remaining commitments and ratification of A/CFE. Then he outlined what Russia would like to change in the CFE Treaty, which tracks very closely with the "elements" that Russia brought to the Extraordinary Conference:

-- NATO equipment ceilings need to be lowered to take account of NATO enlargement (i.e., back to collective ceilings);

-- The Baltic countries must come back to the CFE negotiating table;

-- The flank regime should be abolished. He was very clear: do not change it, abolish it;

-- We need a common understanding of "substantial combat forces;"

-- A/CFE is provisionally applied by a date certain (1 July 2008);

-- Conditions must be created for new participants to join and modernize the A/CFE further.

14. (C) Only a few Allies responded to the Russian diatribe. The UK cited key portions of the July 16 NATO statement on

the Russian suspension of the Treaty, responding to Russian comments on the flank regime (available at www.nato.int/docu/pr/2007/p07-085e.html). Germans welcomed Russia's interest in their informal seminar on CFE, scheduled for 1-2 October. Spain, which had insisted on today's CFE discussion, seemed ready to give up on A/CFE and opined about the possibility of a new treaty. The Spanish Permanent Representative asked Russia if it wanted adapted CFE or something more, but emphasized that "we have to have an arms control system." Russia responded by railing against the flank limitations. Antonov said, since the danger of the Soviet Union is gone, there is no danger of a Russian confrontation with the Alliance; therefore, the flank limitations are a relic of the Cold War and we should work together to solve security issues. He explained that A/CFE would not be suitable unless we do away with the flank limitations.

COMMENT

15. (C) Although Allies did not immediately respond in the NRC, the sharpening of the Russian rhetoric reverberated in the July 26 HLTF meeting (reported septel). Most Allies had not wanted CFE on the NRC agenda the day before a scheduled HLTF. As with other issues, Russian carping led to increased Allied solidarity to retain the A/CFE, including the flank limitations, even among Allies that favor a more conciliatory approach towards Russia.
OLSON